

1 BILL NO. S-83-07-26 AS AMENDED

2 SPECIAL ORDINANCE NO. S-

*Losh*

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6 AN ORDINANCE amending Bill  
7 Number S-83-07-26.  
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14 WHEREAS, it has consistently been the policy of this Common Council  
15 to foster economic growth and business opportunities for its population and to  
16 promote the development of local businesses; and

17 WHEREAS, this Common Council believes that the favorable economic  
18 status and future growth prospects of Fort Wayne are integrally linked to the  
19 economic and social conditions of the City's minority communities, residents  
20 and businesses; and

21 WHEREAS, this Common Council recognizes the reality that past  
22 discriminatory practices have to some degree, adversely affected our present  
23 economic system and have impaired the competitive position of businesses  
24 owned and controlled by minorities so as to result in this disproportionately  
25 small amount of minority businesses; and

26 WHEREAS, the causes of this disparity are perceived by this Common  
27 Council as involving the long standing existence and maintenance of barriers  
28 impairing access by minority enterprises to contracting opportunities and not  
29 as relating to the lack of capable and qualified minority enterprises ready  
30 and willing to work; and

31 WHEREAS, the City of Fort Wayne greatly impacts the local economy  
32 and business development through its spending of revenue for various City

1 Page Two

2  
3 projects and other needs; and

4 WHEREAS, the City of Fort Wayne has a compelling interest in stimu-  
5 lating the minority business community, a sector of the community sorely in  
6 need of economic stimulus but which, on the basis of past experience, is not  
7 expected to benefit significantly in the absence of specific measures to  
8 increase its participation in City business; and

9 WHEREAS, this City has a compelling interest in promoting a sense of  
10 economic equality for all residents of the City; and

11 WHEREAS, this Common Council believes that in order to effectively  
12 combat the unemployment and lack of economic participation of the minority  
13 communities, the minority populations must be provided with the opportunity  
14 of owning and developing their own businesses.

15 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF  
16 FORT WAYNE, INDIANA:

17 SECTION 1. This Common Council hereby adopts the policy of develop-  
18 ing programs and measures to alleviate the problem of lack of participation of  
19 minorities in the City's economic life and to stimulate the local minority  
20 economies, including specific race and sex conscious measures.

21 SECTION 2. The Common Council requests the formation by the City  
22 Administration of a Minority Business Participation Task Force to investigate  
23 and assess the present extent of minority business activity within the City  
24 generally and specifically in relation to doing business with the City of  
25 Fort Wayne.

26 The Common Council further resolves that the Task Force should  
27 include a representative or representatives from each of the following:

- 28 (a) The Black Contractors Association  
29 (b) The Associated Building Contractors  
30 (c) The Department of Purchasing of the City of Fort Wayne  
31 (d) The Board of Public Works of the City of Fort Wayne  
32 (e) Contract Compliance Officer or E.E.O. Officer of the City of  
Fort Wayne.

*who is a member of  
an organization which*

(f) Any Fort Wayne Citizen ~~who~~ <sup>in</sup> the past has exhibited an interest in and an understanding of the problems which confront minority businesses in the City of Fort Wayne

(g) Corporation Council of the City of Fort Wayne

(h) Common Council Member of the City of Fort Wayne

(i) The Fort Wayne Women's Bureau

(j) The YWCA

Members of the Task Force shall be selected by the Mayor except that the President of the Common Council shall appoint that body's representative to the Task Force.

SECTION 3. The Task Force, in addition to the assessment of minority participation in City Business, shall also determine the legal implications of its findings, including the effect of the State Purchasing law on any solution that involves minority conscious measures to improve minority participation in City purchasing.

SECTION 4. The Task Force shall embody its findings and recommendations in a final report to the Mayor and to the Fort Wayne Common Council to be submitted on or before a date set by the Mayor; however, both the Mayor and the Fort Wayne Common Council shall receive monthly reports on the progress of the Task Force. Upon submission of its final report, the Task Force shall also submit a proposed ordinance to be considered for approval by the Fort Wayne Common Council in order to effectively implement its recommendations.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

\_\_\_\_\_  
Councilmember

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_



Read the first time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, read the second time  
by title and referred to the Committee \_\_\_\_\_ (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.T.

DATE: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

Read the third time in full and on motion by GiaQuinta,  
seconded by Esther, and duly adopted, placed on its  
passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>4</u>	<u>5</u>	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCRUGGS</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: \_\_\_\_\_

\_\_\_\_\_  
- CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST:

(SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of  
\_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.T.

\_\_\_\_\_  
WIN MOSES, JR. - MAYOR

Read the first time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, read the second time  
by title and referred to the Committee \_\_\_\_\_ (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.T.

DATE: \_\_\_\_\_

*Motion to reconsider - ON* *Special* *GiaQuinta* *by motion*  
Read the third time in full and on motion by \_\_\_\_\_ CITY CLERK  
seconded by \_\_\_\_\_, and duly adopted, placed on its  
passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>5</u>	<u>2</u>	<u>1</u>	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	<u>✓</u>	_____	_____
<u>SCRUGGS</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 8-23-83

\_\_\_\_\_  
- CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST:

(SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of  
\_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.T.

\_\_\_\_\_  
WIN MOSES, JR. - MAYOR

1 BILL NO. S-83-~~08~~<sup>07-26</sup>

2 SPECIAL ORDINANCE NO. S-Lish

3  
4 The purpose of this Ordinance is to  
5 establish a bona fide fifteen percent  
6 (15%) Minority Business Enterprise  
7 set-aside participation program.

8 AN ORDINANCE dealing with the awarding  
9 of all City (including all Federally  
10 funded) procurement and construction  
11 contracts preserving the well being  
12 and competitive strength of minority  
13 business enterprises, minority women  
14 business enterprises, and non-minority  
15 women business enterprises, facilitating  
16 the opportunity for free entry into  
17 business and the repealing of all or-  
18 dinances in conflict herewith, and the  
19 establishment of a Citizens Advisory  
20 Committee and the reaffirmation of the  
21 establishment of a Compliance Officer.

22 WHEREAS, it is the stated public policy of this City  
23 to provide equal opportunities to all of its citizens with re-  
24 spect to City contracts involving procurement of goods and con-  
25 struction projects;

26 WHEREAS, it is desirable to adopt this Ordinance, for  
27 this City so as to facilitate the use of minority businesses en-  
28 terprises, minority women business enterprises and non-minority  
29 women business enterprises in all City (including all Federally  
30 funded) procurement and construction contracts and to specifically  
31 create jobs and job opportunities for citizens of this community.

32 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Title and General Purpose. This Ordinance  
shall be cited as the "Minority Business Enterprises (MBE),  
Minority Womens Business Enterprises (WBE) and Non-Minority  
Womens Business Enterprises (N-WBE) Contracting Ordinance of 1983."



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3 This Ordinance articulates and makes into law the commit-  
4 ment of this City to a strong and healthy free enterprise system  
5 that will facilitate employment for citizens of this City and  
6 that will encourage fair and equitable opportunities for minority  
7 businesses, minority women's businesses, and non-minority women's  
8 businesses to participate in City "including all Federally funded"  
9 procurement and construction contracts. In that regard, the  
10 essential purposes of this Ordinance are :

11 A. The identification and implementation of specific  
12 goals of this City with respect to fair and equitable opportunities  
13 for participation by minority businesses, minority women's busi-  
14 nesses, and non-minority women's businesses in City (including all  
15 Federally funded) procurement and construction contracts. Ac-  
16 cordingly, this Ordinance shall apply to all City (including all  
17 Federally funded) contracts that are let out for bid.

18 B. The creation of a Citizens Advisory Committee and  
19 the reaffirmation of the establishment of a Compliance Officer,  
20 created for the purposes of developing recommendations, programs,  
21 and regulations as to the continued implementation of City goals  
22 as herein stated; the monitoring of the City's progress of meet-  
23 ing these goals; and for other purposes as hereinafter esta-  
24 blished.

25 SECTION 2. Definitions. For purposes of this Ordinance,  
26 the following terms shall have the meanings as herein ascribed:

27 (a) "Minority" The term "minority" in reference to national  
28 origin means Black, Hispanic, American Indian, Asian or  
29 Pacific Islander, and Alaskan Native, as defined by federal  
30 and state authorities. In addition, to qualify as a minority  
31 hereunder, an individual must have been born a minority and  
32 further the individual must be socially and economically

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disadvantaged as defined by Section 8(d) of the Small Business Act (15 U.S.C. § 637(d)), said definition attached hereto as a part hereof as Exhibit A.

(b) "Minority Business Enterprise" means an enterprise of which more than fifty percent of the voting shares of interest (or other ownership if not incorporated) of such business enterprise is held by individuals who are members of a minority, as defined, and that more than fifty percent of the net profit or loss attributable to that business enterprise accrues to members of a minority, and which is not a joint venture with a business which is dominant in its field of operation, and which business has its principle place of business and headquarters within Allen County, Indiana.

(c) "Minority Womens Business Enterprise" means a business enterprise for which more than fifty percent of the voting shares of interest (or other ownership, if not incorporated) such business enterprise is held by a woman who is a minority as herein defined and which further meets all of the requirements of Section 2(b) of this Ordinance, and which business has its principle place of business and headquarters within Allen County, Indiana.

(d) "Non-Minority Womens Business Enterprise" means a business enterprise of which more than fifty percent of the voting shares of interest (or other ownership, if not incorporated) and such business is held by an individual who is a woman who is not a member of a minority as herein defined, and such member or members are socially and economically disadvantaged as defined in Subsection (a) above and that more than fifty percent of the net profit or loss attributable to that business enterprise accrues to members of such class, and which is not a joint venture with a business which is dominant in its field of operation, and which business has its



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3 principle place of business and headquarters within Allen  
4 County, Indiana.

5 (e) "Dominant" in its field of operation means exercising a con-  
6 trolling or major influence in a business activity in which  
7 a number of businesses are engaged. In determining if a  
8 business is dominant, the criteria that shall be considered:  
9 number of employees; volume of business; financial resources;  
10 competitive status or position; ownership or control of  
11 materials, processes, patents, license agreements and facili-  
12 ties, sales territory; and nature of business activity. The  
13 following businesses may be presumed dominant in the busi-  
14 ness's field of operation:

15 (1) A manufacturing business which employs more than  
16 25 persons and has in the preceding three fiscal years exceeded  
17 a total of \$5,000,000.00 in gross receipts.

18 (2) A general construction business which in the pre-  
19 ceding three fiscal years exceeded a total of \$900,000.00 in  
20 gross receipts.

21 (3) A specialty construction business which in the  
22 preceding three fiscal years exceeded a total of \$600,000.00 in  
23 gross receipts.

24 (4) A wholesale or retail business which employs more  
25 than 15 persons and has in the preceding three fiscal years ex-  
26 ceeded a total of \$600,000.00 in gross receipts.

27 (5) A service business, other than professional, which  
28 employs more than 15 persons and has in the preceding three fiscal  
29 years exceeded a total of \$600,000.00 in gross receipts.

30 (6) A professional business which employs more than  
31 20 persons and has in the preceding three fiscal years exceeded  
32 a total of \$3,000,000.00 in gross receipts.

1 Page Five

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3 (7) A road construction business or ancillary business  
4 which in the preceding three fiscal years exceeded a total of  
5 \$2,000,000.00 in gross receipts.

6 (f) "Affiliate or subsidiary of a business dominant in its field  
7 of operation" means a business of which 20% or more is owned  
8 by a business dominant in that field of operation, or by  
9 partners, relatives, officers, directors, majority share-  
10 holders, or their equivalent of a business dominant in that  
11 field of operation.

12 (g) The term "joint venture" means a combination of businesses  
13 performing a specific job in which minority businesses,  
14 minority women's businesses, and non-minority women's busi-  
15 nesses participate and share a percentage of the net profit  
16 or net loss.

17 SECTION 3. Citizens Advisory Committee.

18 A. Formation of Committee. There is hereby formed a  
19 Citizens Advisory Committee on minority business enterprises,  
20 minority women's business enterprises, and non-minority women's  
21 business enterprises, hereinafter referred to as "Committee."  
22 The Committee shall consist of nine members appointed by the  
23 Mayor as follows: (i) five members of the Committee shall be  
24 persons who are actively involved on a day to day basis in a  
25 minority business and who have been recommended for appointment  
26 by Operation Bread Basket and Clergy members; (ii) one Committee  
27 member shall be a member of the Common Council of the City of  
28 Fort Wayne; (iii) one Committee member as recommended by the  
29 Common Council; (iv) one Committee member shall be a present em-  
30 ployee of the City of Fort Wayne; (v) and the remaining member  
31 shall be as otherwise appointed by the Mayor, at large.

32 Committee members shall initially serve a one year term,

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3 except as otherwise provided for herein, and subsequent terms  
4 shall be on a two year basis. The Mayor may remove any member of  
5 the Committee for misconduct, incapacity, or neglect of duty in  
6 accordance with a procedure which the Mayor shall establish, and  
7 that procedure shall include a procedure for notification and  
8 opportunity for hearing and review.

9 Any person appointed to fill a vacancy on the Committee  
10 shall be appointed in the same manner, and according to the same  
11 criteria, as the member he/she is appointed to replace.

12 Members of the Committee shall receive no compensation  
13 for time spent in attendance at meetings or in conducting other  
14 official business of the Committee. Any Committee member who has  
15 direct financial or personal interest in any measure pending be-  
16 fore the Committee shall disclose this fact to the Committee  
17 and shall not vote upon any such matter or matters.

18 All Committee members shall be approved by the Mayor  
19 within 15 days from passage and approval of this Ordinance and at  
20 the initial meeting of the Committee, and in December of each year  
21 thereafter, the members of the Committee shall elect a Chair-  
22 person, Vice-Chairperson, and Secretary, each such officer to  
23 serve for a term of one year.

24 The Committee shall meet at least once a month for the  
25 purpose of transacting such business as may properly come before  
26 it. Special meetings may be held at such time as the majority  
27 of the Committee provides or as called by the Mayor. A timely  
28 notice, in writing, of each meeting and the time and place thereof  
29 shall be given to each member as the Committee may provide; pro-  
30 vided, however, that Committee members may waive notice of the  
31 time, place, and purpose of any and all such meetings. Five members  
32 at a meeting shall constitute a quorum, and the action of the  
33 Committee shall be based upon a majority vote of nine Committee



1 Page Seven

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3 members. A record of the proceedings of the Committee shall be  
4 kept and files shall be maintained. The books and register of the  
5 Committee shall be prima facie evidence of all matters recorded  
6 herein.

7 B. Purposes of Committee. The Committee, with the  
8 agreement of the Mayor and the concurrence of the Common Council  
9 of the City of Fort Wayne, Indiana, shall establish procedures  
10 and guidelines for the best implementation of the programs and  
11 goals established in this Ordinance. Such procedures and  
12 guidelines shall include the development of the most equitable  
13 and feasible mechanisms to utilize the City's "set-aside" parti-  
14 cipation goals as established in this Ordinance. The Committee  
15 shall also determine which minority business enterprises, minority  
16 women's business enterprises, and non-minority women's business  
17 enterprises will be eligible for certification under this Ordi-  
18 nance. The Committee will further review the procurement and  
19 construction plans of the City and determine, if it deems appro-  
20 priate, which contracts, or parts thereof, shall be reserved for  
21 set-aside participation programs established under this Ordinance.  
22 It is essential that the Committee begin work immediately so that  
23 the set-aside participation program, as hereinafter described, can  
24 be implemented for the City's next succeeding fiscal year. Thus,  
25 Committee members shall have their initial recommendations and  
26 proposed guidelines in place in sufficient time to allow for all  
27 necessary action to adopt same prior to the City's next succeeding  
28 fiscal year.

29 In addition to the above, the Committee shall submit a  
30 report every six months to the Mayor reviewing the performance  
31 of the procedures established under this Ordinance. The first  
32 report shall include the Committee's initial recommendations and

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2  
3 proposed guidelines, and same shall be submitted sooner than the  
4 end of six months from the appointment of the Committee members  
5 so that consideration and inclusion of such recommendations and  
6 guidelines may be prior to the beginning of the City's next  
7 succeeding fiscal year. Such reports shall include; (i) the  
8 total dollar value and number of potential set-aside participation  
9 awards identified during the period in question and the percentage  
10 of total City procurement and construction contracts to be bid,  
11 that these figures reflect; (ii) the number of minority business  
12 enterprises, minority women business enterprises, and non-minority  
13 women business enterprises identified in responding to the set-  
14 aside participation program; the total dollar value and the  
15 number of set-aside participation contracts that are bid and  
16 actually awarded to such businesses with the appropriate designa-  
17 tion as to the total number and value of the set-aside partici-  
18 pation contracts awarded to each such business, and the total  
19 number of such businesses that were awarded set-aside participa-  
20 tion bid contract; (iii) the number of bid contracts that were  
21 designated and set-aside for participation pursuant to this Ordinance but which were not awarded to businesses herein referred  
22 to and the estimated total dollar value of these awards, and the  
23 lowest and most responsible offer or bid on each of these awards  
24 made and the price of which these contracts were awarded pursuant  
25 to the normal procurement procedures; (iv) the degree to which  
26 the City has met goals of this Ordinance.

27  
28 Upon receipt of reports from the Committee, the Mayor  
29 shall review the goals set forth under this program and consider  
30 the appropriate amendments to this Ordinance for submission to  
31 the Common Council.

32 SECTION 4. Set-Aside Participation Goals. The City



1 Page Nine

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3 shall, for each fiscal year, designate and set-aside for partici-  
4 pation for qualified minority business enterprises, minority women's  
5 business enterprises, non-minority women's business enterprises  
6 hereunder, approximately twenty-one (21) percent of the value of  
7 the anticipated total City procurement and construction contracts  
8 to be bid for each such year and same shall be as follows: Fifteen  
9 percent (15%) for minority business participation; three percent  
10 (3%) for minority women business participation; and three percent  
11 (3%) for non-minority women business participation. For purposes  
12 hereunder procurement and construction contracts shall not be  
13 counted together but rather individually. In addition, and to facil-  
14 itate the above with respect to construction contracts, it is  
15 agreed that the percentages herein referred to shall be utilized  
16 in each instance where there is to be let a construction contract  
17 of One Hundred Thousand Dollars (\$100,000.00) or greater in value.  
18 The Committee shall develop procedures to deal with those situa-  
19 tions in which the percentages herein referred to are not utili-  
20 zed by the minority business enterprises, minority women's bus-  
21 ness enterprises, and non-minority women's business enterprises.  
22 In addition, the City shall use bidding and awarding of contract  
23 procedures enveloped in Section 3B of this Ordinance.

24 SECTION 5. City's Bidding Agents to follow Set-Aside Parti-  
25 cipation Goals. The City's bidding agents (either the Director of  
26 Purchasing of the City of Fort Wayne, Indiana, or the Board of Pub-  
27 lic Works of the City of Fort Wayne, Indiana) shall use, in the  
28 awarding of procurement and construction contracts to be bid by the  
29 City, the set-aside participation program herein established and  
30 the bidding and awarding procedures to be established. However,  
31 when a contract award to a minority, minority women, or non-minority  
32 women business enterprise cannot be awarded, then the award shall  
33 be placed pursuant to the normal solicitation and award process.  
34 In this event, the City's bidding agent, together with the Com-



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3 mittee, shall designate and set-aside participation for minority  
4 business enterprises, minority women's business enterprises,  
5 non-minority women's business enterprises additional City bid  
6 contracts corresponding in approximate value to the contract  
7 which could not be awarded. In the event that all bids from  
8 minority business enterprises, minority women's business enter-  
9 prises and non-minority womens business enterprises exceed budget  
10 figures, then the City's bidding agent has the option of nego-  
11 tiating project changes or other procurement changes with the  
12 lowest and most responsive competitive bidder or has the option  
13 of putting the contract out to be re-bid, with the re-bidding  
14 remaining under the set-aside participation program established  
15 for minority business participation (pursuant to Section 3B of  
16 this Ordinance).

17 In making their annual designation of procurements  
18 and/or construction contracts set aside for participation, the  
19 appropriate bidding agent shall, in consultation and cooperation  
20 with the Committee, vary the included procurements and/or con-  
21 struction work so that a variety of business services produced  
22 and/or provided by minority business enterprises, minority womens  
23 business enterprises, or non-minority womens business enterprises  
24 may be set aside for each for participation each year.

25 SECTION 6. Publication and Compliance of the Set-Aside  
26 Participation Program. The Board of Public Works of the City of  
27 Fort Wayne, Indiana, and the Director of Purchasing of the City  
28 of Fort Wayne, Indiana, shall publicize the provisions of the set-  
29 aside participation program. In that regard, the Board of Public  
30 Works of the City of Fort Wayne, Indiana and the Director of Pur-  
31 chasing of the City of Fort Wayne, Indiana, shall, together with  
32 the Committee, locate and encourage minority business enterprises,  
minority womens business enterprises, and non-minority womens

1 Page Eleven

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3 business enterprises able to perform procurement and/or construc-  
4 tion contracts set aside for participation. In addition, the  
5 Compliance Officer and the Board of Public Works of the City of  
6 Fort Wayne, Indiana, shall be responsible for promoting the in-  
7 terests of minority business enterprises, minority womens busi-  
8 ness enterprises, and non-minority womens business enterprises  
9 with respect to receiving their fair proportion of City (including  
10 all Federally Funded projects) procurement and construction con-  
11 tracts. The requirements of this Ordinance shall be mandatory.


12 SECTION 7. Severability.

13 A. If any provision under this Ordinance or any sec-  
14 tion, sentence, clause, phrase, word, or application thereof, in  
15 any circumstances, is held invalid, the validity of the remainder  
16 of the Ordinance and of the application of any other provision,  
17 section, sentence, clause, phrase, or word shall not be affedted.  
18 In the event that this Ordinance is found to be in substantial  
19 conflict with any applicable state law, then and in that event  
20 only, this Ordinance or the conflicting sections thereof shall be  
21 held invalid, and the state law shall govern.

22 B. This Ordinance shall be effective and permanent  
23 upon public hearing, passage and approval by the Mayor.

24  
25 \_\_\_\_\_  
Councilmember

26 APPROVED AS TO FORM  
27 AND LEGALITY

28   
29 \_\_\_\_\_  
Bruce O. Boxberger, City Attorney

30 Public hearing to be held on \_\_\_\_\_ day of \_\_\_\_\_  
31 \_\_\_\_\_, 1983, in Council Chambers.

32 \_\_\_\_\_  
Sandra E. Kennedy, City Clerk

## EXHIBIT "A"

---

(4) For purposes of this section, the term "socially and economically disadvantaged small business concern" means any small business concern—

(A) which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(B) whose management and daily business operations are controlled by one or more of such individuals.

(5) Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

(6) Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. In determining the degree of diminished credit and capital opportunities the Administration shall consider, but not be limited to, the assets and net worth of such socially disadvantaged individual.



Read the first time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, read the second time  
by title and referred to the Committee \_\_\_\_\_ (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.,E.S.T.

DATE: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

Read the third time in full and on motion by Stein,  
seconded by Talarico, and duly adopted, placed on its  
passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHOMBURG</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCRUGGS</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 8-13-83

Andrew E. Kennedy  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST:

(SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of  
\_\_\_\_\_ o'clock \_\_\_\_\_.M.,E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_.M.,E.S.T.

\_\_\_\_\_  
WIN MOSES, JR. - MAYOR

BILL NO. S-83-07-26

REPORT OF THE COMMITTEE ON REGULATIONS

*WHOLE*

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE dealing with the awarding of all City (including all  
Federally funded) procurement and construction contracts preserving the  
well being and competitive strenght of minority business enterprises,  
minority women business enterprises, and non-minority women business  
enterprises, facilitating the opportunity for free entry into business and  
the repealing of all ordinances in conflict herewith, and the establishment  
of a Citizens Advisory Committee and the reaffirmation of the establishment  
of a Compliance Officer (The purpose of this ordinance is to establish  
a bona fide fifteen percent (15% Minority Business Enterprise set-aside  
participation program

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE *No Recommendation* PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GIAQUINTA

ROY J. SCHOMBURG

*Just*  
*Janet G. Bradbury*  
*Victure Scruggs*  
*Mark E. GiaQuinta*  
*Roy J. Schomburg*  
*Ray A. Lewis*

*True*

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

*S-83-07-26*

TITLE OF ORDINANCE \_\_\_\_\_ Special Ordinance

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_ Law

SYNOPSIS OF ORDINANCE \_\_\_\_\_ The purpose of this Ordinance is to establish  
a bona fide fifteen percent (15%) Minority Business Enterprise set-aside  
participation program.

\_\_\_\_\_ An Ordinance dealing with the awarding of all City (including all Federally  
funded) procurement and construction contracts preserving the well being  
and competitive strength of minority business enterprises, minority women  
business enterprises, and non-minority women business enterprises, faili-  
tating the opportunity for free entry into business and the repealing of  
all ordinances in conflict herewith, and the establishment of a Citizens  
Advisory Committee and the reaffirmation of the establishment of a Compliance  
OFFICER. Officer.

EFFECT OF PASSAGE \_\_\_\_\_ Better relations with minority groups and  
allowing for the awarding of contracts to more minority companies in the  
community.

EFFECT OF NON-PASSAGE \_\_\_\_\_ Opposite of the above.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_

DATE SUBMITTED: \_\_\_\_\_



1 BILL NO.

183-0726

SPECIAL ORDINANCE NO.

2 AN ORDINANCE dealing with the awarding of City  
3 procurement and construction contracts with re-  
4 spect to Minority and Women Business Enterprises  
5 and the establishment of a Citizens Advisory Com-  
6 mittee and Compliance Officer.

7 WHEREAS, it is the stated public policy of this City  
8 to provide equal opportunities to all of its citizens with  
9 respect to City contracts involving procurement of goods and  
10 construction projects; and

11 WHEREAS, the City has previously followed its own af-  
12 firmative action programs and equal opportunity programs as  
13 to hiring of employees and in the awarding of City procure-  
14 ment and construction contracts; and

15 WHEREAS, it is desirable to adopt this Ordinance to  
16 facilitate the use of minority and women businesses in City  
17 procurement and construction contracts and to specifically  
18 create jobs and job opportunities for citizens of this com-  
19 munity.

20 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
21 THE CITY OF FORT WAYNE, INDIANA:

22 Section 1. Title and General Purpose. That this ordi-  
23 nance may be sited as the "Minority and Women Business Or-  
24 dinance of 1983".

25 This Ordinance articulates and make into law the com-  
26 mitment of this City to a strong and healthy free enterprise  
27 system that will facilitate employment for citizens of this  
28 community and that will encourage fair and equitable oppor-  
29 tunities for minority and women businesses to participate in  
30 City procurement and construction contracts. In that regard,  
31 the essential purposes of this Ordinance are:

32 A. The identification and implementation of specific  
goals of this City with respect to fair and equitable oppor-

1       tunities for participation by minority and women businesses  
2       in City procurement and construction contracts that are let  
3       out for bid.

4       B. The creation of a Citizens Advisory Committee and  
5       Compliance Officer formed for purposes of developing recom-  
6       mendations, programs, and regulations as to the continued  
7       implementation of City goals as herein stated; the monitor-  
8       ing of the City's progress of meeting these goals; and for  
9       other purposes as hereinafter established.

10       SECTION 2. Definitions. For purposes of this Ordinance,  
11       the following terms shall have the meanings as herein  
12       ascribed:

13       A. "Minority" in reference to national origin in-  
14       cludes Blacks, Hispanic, American Indian, Asian, Pacific  
15       Islander, and Alaskan Native, as defined by federal and  
16       state authorities. To qualify as a minority hereunder, an  
17       individual must have been born a minority.

18       B. "Minority Business Enterprise" means a business  
19       which has its principal place of business and headquarters  
20       within Allen County, Indiana and which: (i) more than 50%  
21       of the voting shares in such enterprise (if incorporated) or  
22       more than 50% of the business (if sole proprietorship, part-  
23       nership, or other business form) is owned by individuals who  
24       are members of a minority; and (ii) more than 50% of the net  
25       profit or loss attributable to the business accrues to mem-  
26       bers of a minority; and (iii) such business is controlled,  
27       managed, and operated on a daily basis by a minority or mi-  
28       norities; and (iv) which business is not in a joint venture  
29       with nor an affiliate or subsidiary of a non-minority busi-  
30       ness which is dominant in its field of operation.

31       C. "Women Business Enterprise" means a business which  
32       has its principal place of business and headquarters within



1 Allen County, Indiana, and which: (i) more than 50% of the  
2 voting shares in such enterprise (if incorporated) or more  
3 than 50% of the business (if sole proprietorship, partner-  
4 ship, or other business form) is owned by women; (ii) more  
5 than 50% of the net profit or loss attributable to the busi-  
6 ness accrues to women; (iii) such business is controlled,  
7 managed, and operated on a daily basis by a woman or women;  
8 and (iv) which business is not in a joint venture with nor  
9 an affiliate or subsidiary of a non-women business which is  
10 dominant in its field of operation.

11 D. "Dominant" in its field of operation means exer-  
12 cising a controlling or major influence in a business activ-  
13 ity in which a number of businesses are engaged. In deter-  
14 mining if a business is dominant, the criteria that shall be  
15 considered: number of employees; volume of business; finan-  
16 cial resources; competitive status or position; ownership or  
17 control of materials, processes, patents, license agreements  
18 and facilities, sales, territory; and nature of business  
19 activity. The following businesses may be presumed dominant  
20 in the business's field of operation:

21 (1) A manufacturing business which employs more than  
22 25 persons and has in the preceding three fiscal years ex-  
23 ceeded a total of \$5,000,000.00 in gross receipts.

24 (2) A general construction business which in the pre-  
25 ceding three fiscal years exceeded a total of \$900,000 in  
26 gross receipts.

27 (3) A specialty construction business which in the  
28 preceding three fiscal years exceeded a total of \$600,000 in  
29 gross receipts.

30 (4) A wholesale or retail business which employs more  
31 than 15 persons and has in the preceding three fiscal years  
32 exceeded a total of \$600,000 in gross receipts.



1 (5) A service business, other than professional, which  
2 employs more than 15 persons and has in the preceding three  
3 fiscal years exceeded a total of \$600,000 in gross receipts.

4 (6) A professional business which employs more than 20  
5 persons and has in the preceding three fiscal years exceeded  
6 a total of \$3,000,000.00 in gross receipts.

7 (7) A road construction business or ancillary business  
8 which in the preceding three years exceeded a total of  
9 \$2,000,000.00 in gross receipts.

10 F. "Affiliate or subsidiary of a business dominant in  
11 its field of operation" means a business of which 20% or  
12 more is owned by a business dominant in that field of oper-  
13 ation, or by partners, relatives, officers, directors, ma-  
14 jority shareholders, or their equivalent of a business do-  
15 minant in that field of operation.

16 G. The term "Joint Venture" means a combination of  
17 businesses performing a specific job in which minority or  
18 small businesses participate and share a percentage of the  
19 net profit or net loss.

20 SECTION 3. Citizen Advisory Committee.

21 A. Formation of Committee. There is hereby formed a  
22 Citizens Advisory Committee on minority and women business,  
23 hereinafter referred to as "Committee". The Committee shall  
24 consist of seven members appointed by the Mayor as follows:  
25 (i) three members of the Committee shall be persons who are  
26 actively involved, on a day to day basis, in minority busi-  
27 nesses; (ii) one member (a woman) actively involved on a  
28 daily basis in women businesses; (iii) one member from the  
29 Common Council of the City of Fort Wayne, Indiana; and (iv)  
30 two other members as selected by the Mayor.

31 Committee members shall initially serve a one year  
32 term, except as otherwise provided for herein, and subse-

1       quent terms shall be on a two year basis. The Mayor may re-  
2       move any member of the Committee for misconduct, incapacity,  
3       or neglect of duty in accordance with a procedure which the  
4       Mayor shall establish, and that procedure shall include a  
5       procedure for notification and opportunity for hearing and  
6       review.

7             Any person appointed to fill a vacancy on the Commit-  
8       tee shall be appointed in the same manner, and according to  
9       the same criteria, as the member he/she is appointed to re-  
10      place.

11            Members of the Committee shall receive no compensation  
12      for time spent in attendance at meetings or in conducting  
13      other official business of the Committee. Any Committee mem-  
14      ber who has direct financial or personal interest in any  
15      measure pending before the Committee shall disclose this  
16      fact to the Committee and shall not vote upon any such mat-  
17      ter or matters.

18            All Committee members shall be appointed by the Mayor  
19      within 15 days from passage and approval of this Ordinance  
20      and at the initial meeting of the Committee, and in December  
21      of each year thereafter, the members of the Committee shall  
22      elect a Chairperson, Vice-Chairperson, and Secretary, each  
23      such officer to serve for a term of one year.

24            The Committee shall meet at least once a month for the  
25      purpose of transacting such business as may properly come  
26      before it. Special meetings may be held at such time as the  
27      majority of the Committee provides or as called by the  
28      Mayor. A timely notice, in writing, of each meeting and the  
29      time and place thereof shall be given to each member as the  
30      Committee may provide; provided, however, that Committee  
31      members may waive notice of the time, place and purpose of  
32      any and all such meetings. Four members at a meeting shall



1 constitute a quorum, and action of the Committee shall be  
2 based upon a majority vote of the seven Committee members. A  
3 record of the proceedings of the Committee shall be kept and  
4 files shall be maintained.

5 B. Purposes of Committee. The Committee, with the  
6 agreement of the Mayor and the concurrence of the Common  
7 Council of the City of Fort Wayne, Indiana, shall establish  
8 procedures and guidelines for the best implementation of the  
9 programs and goals established in this Ordinance. Such pro-  
10 cedures and guidelines shall include, but not be limited to,  
11 the development of the most equitable and feasible mecha-  
12 nisms to utilize the City's "set-aside" goals as established  
13 in this Ordinance. The Committee shall also determine which  
14 minority and women businesses will be eligible for certifi-  
15 cation under this Ordinance. The Committee will further re-  
16 view the procurement and construction plans of the City and  
17 determine, if it deems appropriate, which contracts, or  
18 parts thereof, shall be reserved for set-aside programs es-  
19 tablished under this Ordinance. It is essential that the  
20 Committee begin work immediately so that the set-aside pro-  
21 gram, as hereinafter described, can be implemented for the  
22 City's next succeeding fiscal year. Thus, Committee members  
23 shall have their initial recommendations and proposed guide-  
24 lines in place in sufficient time to allow for all necessary  
25 action to adopt same prior to the City's next succeeding  
26 fiscal year.

27 In addition to the above, the Committee shall submit a  
28 report every six months to the Mayor reviewing the perfor-  
29 mance of the procedures established under this Ordinance.  
30 The first report should include the Committee's initial re-  
31 commendations and proposed guidelines, and same shall be  
32 submitted sooner than the end of six months from the ap-



1 pointment of the Committee members so that consideration and  
2 inclusion of such recommendations and guidelines may be had  
3 prior to the beginning of the City's next succeeding fiscal  
4 year. Such reports shall include: (i) the total dollar  
5 value and number of potential set-aside awards identified  
6 during the period in question and the percentage of total  
7 City procurement and construction contracts to be bid, that  
8 these figures reflect; (ii) the number of minority and women  
9 businesses identified and responding to the set-aside pro-  
10 gram; the total dollar value and number of set-aside con-  
11 tracts that are bid and actually awarded to minority and  
12 women businesses with the appropriate designation as to the  
13 total number and value of set-aside contracts awarded to  
14 each minority and women business, and the total number of  
15 minority and women businesses that were awarded set-aside  
16 bid contracts; (iii) the number of bid contracts which were  
17 designated and set-aside pursuant to this Ordinance but  
18 which were not awarded to minority and/or women businesses  
19 and the estimated total dollar value of these awards, and  
20 the lowest and most responsible offer or bid on each of  
21 these awards made and the price at which these contracts  
22 were awarded pursuant to the normal procurement procedures;  
23 and (iv) the degree to which the City has met with goals of  
24 this Ordinance.

25 The City shall also, from time to time, recommend  
26 amendments to this Ordinance which the Committee believes  
27 necessary to accomplish the purposes herein stated.

28 Upon receipt of reports from the Committee, the Mayor  
29 shall review the goals set forth under this program and con-  
30 sider appropriate amendments to this Ordinance for submis-  
31 sion to the Common Council.

32 SECTION 4. Set-Aside Goals. The City shall, for each

1 fiscal year, designate and set-aside, for qualified minority  
2 and women businesses, approximately 20% of the value of an-  
3 ticipated total City procurement and construction contracts  
4 to be bid for each such year in the following manner: 5%  
5 women business enterprises; and 15% for minority business  
6 enterprises. In the event the minority and women businesses  
7 do not utilize the 20% of said contracts then procurement  
8 and/or construction contracts would be let under normal bid-  
9 ding procedures. The City shall use precise bidding and  
10 awarding of contract procedures in conformance with Section  
11 3-B of this Ordinance.

12 SECTION 5. City Bidding Agents to Follow Set-Aside  
13 Goals. The City's bidding agents (either the Director of  
14 Purchasing of the City of Fort Wayne, Indiana, or the Board  
15 of Public Works of the City of Fort Wayne, Indiana) shall  
16 use, in the awarding of procurement and construction con-  
17 tracts to be bid by the City, the set-aside program herein  
18 established and the bidding and awarding procedures to be  
19 established. However, when a contract award to a minority  
20 and women business cannot be awarded, then the award shall  
21 be placed pursuant to the normal solicitation and award pro-  
22 cess. In this event, the City's bidding agent, together with  
23 the Committee, shall designate and set-aside for minority  
24 and/or women business additional City similar bid contracts  
25 corresponding in approximate value to the contract which  
26 could not be awarded. In the event that all bids from minor-  
27 ity and women businesses exceed budget figures, then the  
28 City's bidding agent has the option of negotiating project  
29 changes or other procurement changes with the lowest and  
30 most responsive competitive bidder or has the option of put-  
31 ting the contract out to be re-bid, with the re-bidding re-  
32 maining under the set-aside program established for minority



1 and women business participation. If the re-bids remain over  
2 the particular budget figure for the contract in question,  
3 the contract may then be placed pursuant to the normal soli-  
4 citation and bidding process.

5 In making their annual designation of set-aside pro-  
6 curements and/or construction contracts, the appropriate  
7 bidding agent shall, in consultation and cooperation with  
8 the Committee, vary the included procurements and/or con-  
9 struction work so that a variety of business services pro-  
10 duced and/or provided by minority and women businesses may  
11 be set-aside each year.

12 Before making a set-aside award, the bidding agent  
13 shall evaluate whether the minority and women business in  
14 question is capable of performing the set-aside contract.  
15 This determination shall include consideration of production  
16 and financial capacity and technical competence of the mi-  
17 nority and women business involved.

18 SECTION 6. Publication and Compliance. The Board of  
19 Public Works of the City of Fort Wayne, Indiana, and the  
20 Director of Purchasing of the City of Fort Wayne, Indiana,  
21 shall publicize the provisions of the set-aside program. In  
22 that regard, the Board of Public Works of the City of Fort  
23 Wayne, Indiana and the Director of Purchasing of the City of  
24 Fort, Indiana, shall together with the Committee, attempt to  
25 locate minority and women businesses able to perform  
26 set-aside procurement and/or construction contracts and to  
27 encourage participation by those minority and women busi-  
28 nesses. In addition, a Compliance Officer and the Board of  
29 Public Works of the City of Fort Wayne, Indiana, shall be  
30 responsible for promoting the interests of minority and  
31 women businesses with respect to receiving their fair pro-  
32 portion of City procurement and construction contracts.



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B. This Ordinance shall be effective upon passage and approval by the Mayor, and the goals herein stated shall be applied for each fiscal year of the City commencing with the next succeeding fiscal year and all fiscal years thereafter until December 31, 1988.

APPROVED AS TO FORM  
AND LEGALITY

Bruce O. Boxberger, City Attorney

City Clerk

Read the first time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, read the second time  
by title and referred to the Committee \_\_\_\_\_ (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M.,E.S.T.

DATE: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>SCRUGGS</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

\_\_\_\_\_  
- CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST:

(SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of  
\_\_\_\_\_ o'clock \_\_\_\_\_.M.,E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_.M.,E.S.T.

\_\_\_\_\_  
WIN MOSES, JR. - MAYOR